THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 13th September, 2006

W.P.No.19000 of 2006

Between:

B. Shobha Rani … Petitioner

and

The Joint Collector, Nalgonda,
Nalgonda district and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.18999 of 2006

ORAL ORDER:

Heard both sides and perused the material made available on record.

The petitioner was a fair price shop dealer of Jangam village, Narayanpur Mandal of Nalgonda district. Her authorization was initially cancelled by the 2nd respondent by an Order dated 13-5-2005. Challenging the same, she filed an appeal before the Joint Collector, Nalgonda, but the same was dismissed on 6-3-2006. Thereafter, the 2nd respondent issued a show cause notice dated 10-5-2006 and passed an Order dated 12-7-2006 stating that her authorization is permanently cancelled. Then, a Notification dated 26-8-2006 was issued by the 2nd respondent calling for applications for grant of authorization for the said fair price shop on permanent basis. The contention of the petitioner is that the said Order dated 12-7-2006 of the 2nd respondent is arbitrary and illegal and consequently, the notification dated 26-8-2006 is *non est* in the eye of law.

Since there is an effective alternative remedy available to the petitioner against the Order of the 2nd respondent by way of an appeal to the 1st respondent, this Court does not want to go into the merits of the case. Therefore, the petitioner is directed to file an appeal before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent is directed not to

make any permanent appointment against the fair price shop of Jangam village, Narayanpur Mandal, Nalgonda District during the pendency of the appeal before the 1st respondent-Joint Collector.

With the above direction, the Writ Petition is disposed of. No costs.

13-9-2006

Office to issue
CC in 3 days
(B.O.)
prk